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January 8, 2024

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: UPOA v. City of New York
21-cv-00218 (RA)(GWG)

Dear Judge Gorenstein:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent The City of New York ("Defendant"). I write seeking the Court's permission to move the settlement conference currently scheduled for January 17, 2024 and for the newly assigned Assistant Corporation Counsel to file proposed dates for a new settlement conference with the Court on January 16, 2024. The undersigned informed Plaintiff's counsel of the need to adjourn the settlement conference and that they will be filing a letter to that effect. Plaintiff does not join in this application. As noted in the joint letter filed December 29, 2023, the undersigned will be leaving the Law Department on January 17, 2024, to begin a position clerking for Judge Juan Merchan. The reasons for this request are as follows. There appears to be a disconnect between Plaintiff and Defendant with respect to Plaintiff's current settlement demand. Defendant thus needs to have further internal discussions on the parameters of any potential settlement which includes, but is not limited to, reviewing materials that are being prepared by Defendant's expert. As these discussions greatly impact Defendant's settlement posture, the undersigned is not currently in a position to attend next week's conference with authority to settle this matter and, accordingly, fruitful and productive negotiations towards resolution are unlikely. The matter is also in the process of being reassigned to a new Assistant Corporation Counsel who will require sufficient time to familiarize themselves with this case.

For the above-mentioned reasons, the undersigned respectfully requests that the settlement conference scheduled for January 17, 2024, be adjourned and that the newly assigned Assistant Corporation counsel file proposed dates for settlement conference on January 16, 2024.

Thank you for your consideration herein.

Respectfully submitted,



Stephen M. Suhovsky
Assistant Corporation Counsel
Labor and Employment Division

cc: **VIA ECF**

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The Court has considered plaintiffs' response to this request. In the Court's view, there is no point in holding a settlement conference unless both sides are prepared to participate. That is obviously not the case here. The Court agrees with plaintiffs that because defendants are not able to participate on a fixed date, discovery should go forward (if that is what plaintiffs prefer). Accordingly, the parties are directed to confer on a proposed case management plan and to file either joint or separate proposals for such a plan on or before January 16, 2024. The settlement conference scheduled for January 17, 2024, is adjourned sine die. The parties shall file a letter on ECF as soon as both sides are prepared to go forward with a settlement conference. The letter shall contain mutually agreeable suggested dates for such a conference. The Corporation Counsel is ordered to assign a new attorney to this matter immediately and that attorney shall file a notice of appearance on or before January 16, 2024.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

January 9, 2024